

TRANSFERRED MDL

**U.S. District Court  
Northern District of Alabama (Southern)  
CIVIL DOCKET FOR CASE #: 2:07-cv-00232-WMA  
Internal Use Only**

McCluskey v. Merck & Co., Inc. et al  
Assigned to: Judge William M Acker, Jr  
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 02/02/2007  
Jury Demand: Plaintiff  
Nature of Suit: 365 Personal Inj. Prod.  
Liability  
Jurisdiction: Diversity

**Plaintiff**

**William D McCluskey**  
*as Surviving Spouse and as Personal  
Representative of the Estate of Mary L  
McCluskey, deceased*

represented by **Andy D Birchfield, Jr**  
BEASLEY ALLEN CROW METHVIN  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Benjamin L Locklar**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Merck & Co., Inc.**  
*a foreign Corporation*

represented by **F Chadwick Morriss**  
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**Richard B Garrett**  
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**Robert "Mike" Brock**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Pfizer Inc**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
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**G Steven Henry**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Pharmacia Corporation**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**G Steven Henry**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Monsanto Company**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**G Steven Henry**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**G. D. Searle, LLC**  
*a Delaware Corporation*

represented by **Lawrence B Clark**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**G Steven Henry**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James A Stewart**  
*an Individual*  
*TERMINATED: 03/07/2007*

**Defendant**

**Anna Leigh Webb**  
*an Individual*  
*TERMINATED: 03/07/2007*

represented by **F Chadwick Morriss**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard B Garrett**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert "Mike" Brock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Cedric D Anderson**  
*an Individual*  
*TERMINATED: 03/07/2007*

represented by **F Chadwick Morriss**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard B Garrett**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert "Mike" Brock**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Travis Taylor**  
*an Individual*

represented by **Lawrence B Clark**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*






**Michael J Asbell**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Robert Vandelune**  
*an Individual*

represented by **Lawrence B Clark**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J Asbell**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/02/2007	 1	NOTICE OF REMOVAL by Merck & Co., Inc. from Circuit Court of Jefferson County, Alabama, case number CV 200607108 (Filing fee \$350 receipt #200 233431) filed against William D McCluskey (Attachments: # 1 Exhibit A Joinder# 2 Exhibit B Motion to dismiss Stewart# 3 Exhibit B Part 1# 4 Exhibit B Part 2# 5 Exhibit B Part 3# 6 Exhibit C Notice of Removal# 7 Exhibit D Jury Awards# 8 Exhibit E# 9 Exhibit F Memorandum Opinion# 10 Exhibit G Declaration of Cedric Anderson# 11 Exhibit G Declaration of Anna Leigh Webb# 12 Exhibit G Afdt of Travis Taylor# 13 Exhibit G Afdt of Robert Vandelune# 14 Exhibit H Order# 15 Exhibit I Order)(KGE, ) (Entered: 02/06/2007)
02/02/2007	 2	MOTION to Stay all proceedings pending transfer decision by the Judicial Panel on Multidistrict Litigation by Merck & Co., Inc.. (KGE, ) (Entered: 02/06/2007)
02/02/2007	 3	NOTICE of Corporate Disclosure by Merck & Co., Inc. (KGE, ) (Entered: 02/06/2007)
02/02/2007	 4	MOTION to Dismiss by Cedric D Anderson. (KGE, ) (Entered: 02/06/2007)
02/02/2007	 5	MOTION to Dismiss by Anna Leigh Webb. (KGE, ) (Entered: 02/06/2007)



		02/06/2007)
02/02/2007	<a href="#"><u>6</u></a>	ANSWER to Complaint with Jury Demand by Merck & Co., Inc.. (KGE, ) (Entered: 02/06/2007)
02/02/2007	<a href="#"><u>7</u></a>	JOINDER in Notice of Removal filed by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc. (KGE, ) (Entered: 02/06/2007)
02/02/2007	<a href="#"><u>8</u></a>	MOTION to Stay all proceedings pending transfer to Multidistrict Litigation proceeding by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Travis Taylor, Robert Vandelune, Pfizer Inc. (KGE, ) (Entered: 02/06/2007)
02/02/2007	<a href="#"><u>9</u></a>	NOTICE of Corporate Disclosure by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc (KGE, ) (Entered: 02/06/2007)
02/02/2007	<a href="#"><u>10</u></a>	ANSWER to Complaint by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Travis Taylor, Robert Vandelune, Pfizer Inc.(KGE, ) (Entered: 02/06/2007)
02/06/2007	<a href="#"><u>11</u></a>	AMENDED DOCUMENT by Merck & Co., Inc.. Amendment to 1 Notice of Removal,, <i>Exhibit G - Part 1 - signed declaration of Anderson substituted for unsigned one inadvertently filed.</i> (Garrett, Richard) (Entered: 02/06/2007)
02/06/2007	<a href="#"><u>12</u></a>	AMENDED DOCUMENT by Merck & Co., Inc.. Amendment to 1 Notice of Removal,, <i>Pt 2 Ex G - executed declaration - Webb - in lieu of unsigned one inadvertently filed.</i> (Garrett, Richard) (Entered: 02/06/2007)
02/12/2007	<a href="#"><u>13</u></a>	MOTION to Remand & <i>Briefs in Opposition to Removals</i> by William D McCluskey. (Attachments: # <a href="#"><u>1</u></a> Exhibit <a href="#"><u>1</u></a> # <a href="#"><u>2</u></a> Exhibit <a href="#"><u>A1</u></a> # <a href="#"><u>3</u></a> Exhibit <a href="#"><u>B1</u></a> # <a href="#"><u>4</u></a> Exhibit <a href="#"><u>C1</u></a> # <a href="#"><u>5</u></a> Exhibit <a href="#"><u>D1</u></a> # <a href="#"><u>6</u></a> Exhibit <a href="#"><u>E1</u></a> # <a href="#"><u>7</u></a> Exhibit <a href="#"><u>F1</u></a> # <a href="#"><u>8</u></a> Exhibit <a href="#"><u>G1</u></a> # <a href="#"><u>9</u></a> Exhibit <a href="#"><u>2</u></a> # <a href="#"><u>10</u></a> Exhibit <a href="#"><u>A2</u></a> # <a href="#"><u>11</u></a> Exhibit <a href="#"><u>B2</u></a> # <a href="#"><u>12</u></a> Exhibit <a href="#"><u>C2</u></a> # <a href="#"><u>13</u></a> Exhibit <a href="#"><u>D2</u></a> )(Locklar, Benjamin) (Entered: 02/12/2007)
02/12/2007	<a href="#"><u>14</u></a>	RESPONSE in Opposition re <a href="#"><u>8</u></a> MOTION to Stay, <a href="#"><u>2</u></a> MOTION to Stay <i>Proceedings Pending Transfer to MDL</i> filed by William D McCluskey. (Locklar, Benjamin) (Entered: 02/12/2007)
02/12/2007	<a href="#"><u>15</u></a>	RESPONSE to Motion re <a href="#"><u>5</u></a> MOTION to Dismiss, <a href="#"><u>4</u></a> MOTION to Dismiss <i>Anna Leigh Webb and Cedric Anderson</i> filed by William D McCluskey. (Locklar, Benjamin) (Entered: 02/12/2007)
02/12/2007	<a href="#"><u>16</u></a>	Opposition to re <a href="#"><u>10</u></a> <i>Motion to Dismiss in Def. Pfizer's Answer</i> filed by William D McCluskey. (Locklar, Benjamin) (Entered: 02/12/2007)
02/14/2007	<a href="#"><u>17</u></a>	NOTICE of Hearing on Motion <a href="#"><u>13</u></a> MOTION to Remand: Motion Hearing set for 2/16/2007 09:00 AM before Judge William M Acker Jr. (KWC) (Entered: 02/14/2007)
02/14/2007	<a href="#"><u>18</u></a>	MOTION to Continue <i>Hearing on Plaintiff's Motion to Remand set for February 16, 2007</i> by Merck & Co., Inc.. (Garrett, Richard) (Entered: 02/14/2007)

		02/14/2007)
02/15/2007	19	Motion docket hrg scheduled for 2/16/07 is cancelled. (KWC) (Entered: 02/15/2007)
02/15/2007	19	ORDER-granting dft's motion to continue and extend time; hearing scheduled for 2/16/07 is hereby CANCELLED; if dfts wish to respond to pla's motion to remand, they may do so in writing by 4:30 p.m. 3/2/07, Motions terminated: 18 MOTION to Continue Hearing on Plaintiff's Motion to Remand set for February 16, 2007. Signed by Judge William M Acker Jr on 2/15/07. (MAA, ) (Entered: 02/15/2007)
03/01/2007	20	Opposition to filed by Merck & Co., Inc.. (Attachments: # 1 Exhibit Exhibit 1 to Opposition to Plaintiff's Motion to Remand# 2 Exhibit Exhibit 2 to Opposition# 3 Exhibit Exhibit 3 to Opposition# 4 Exhibit Exhibit 4 to Opposition# 5 Exhibit Exhibit 5 to Opposition# 6 Exhibit Exhibit 6 to Opposition# 7 Exhibit Exhibit 7 to Opposition# 8 Exhibit Exhibit 8 to Opposition# 9 Exhibit Exhibit 9 to Opposition)(Garrett, Richard) (Entered: 03/01/2007)
03/02/2007	21	RESPONSE in Opposition re 13 MOTION to Remand & <i>Briefs in Opposition to Removals</i> filed by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J)(Asbell, Michael) (Entered: 03/02/2007)
03/07/2007	22	MEMORANDUM OPINION. Signed by Judge William M Acker Jr on 3/7/07. (MAA, ) (Entered: 03/07/2007)
03/07/2007	23	ORDER -In accordance with accompanying memorandum opinion, pla's motion to remand 13 is DENIED; dfts' motion to stay 2 is GRANTED; action is STAYED pending Judicial Panel on Multidistrict Litigation's determination of whether action will be transferred,pla's motion to dismiss dft James A. Stewart is GRANTED; action against Stewart is DISMISSED WITHOUT PREJUDICE; motions to dismiss filed by dfts Anderson 4 and Webb 5 are GRANTED; pla's action against Anderson and Webb is DISMISSED WITH PREJUDICE, Motions terminated: 8MOTION to Stay 2 MOTION to Stay13 MOTION to Remand 5 MOTION to Dismiss 4MOTION to Dismiss.. Signed by Judge William M Acker Jr on 3/7/07. (MAA, ) (Entered: 03/07/2007)
03/07/2007		*** Party Anna Leigh Webb; Cedric D Anderson and James A Stewart terminated pursuant to 23. (MAA, ) (Entered: 03/07/2007)
04/06/2007	24	NOTICE of Appearance by G Steven Henry on behalf of Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc (Henry, G) (Entered: 04/06/2007)
04/06/2007	25	STATUS REPORT by Pharmacia Corporation, Monsanto Company, G. D. Searle, LLC, Pfizer Inc. (Henry, G) (Entered: 04/06/2007)
04/11/2007	26	STATUS REPORT by Merck & Co., Inc.. (Garrett, Richard) (Entered: 04/11/2007)

		04/11/2007)
06/21/2007	27	ORDER Transferring Case to MDL: ORDER of Judicial Panel on Multidistrict Litigation transferring this case to the District of Northern California, San Francisco Division for inclusion in MDL 05-1699; the original record, certified copy of docket entries along with a copy of the transmittal letter requested by transferee clerk mailed to Clerk of Court in District of Northern California, San Francisco Division. (KGE, ) (Entered: 06/22/2007)

A TRUE COPY  
 SHARON N. HARRIS, CLERK  
 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ALABAMA  
 BY: Kathy Englebert  
 DEPUTY CLERK